

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

In re Application of FORENSIC NEWS LLC and SCOTT STEDMAN for an Order Pursuant to 28 U.S.C. § 1782 to Conduct Discovery for Use in a Foreign Proceeding.

Case No. \_\_\_\_\_

**APPLICATION FOR JUDICIAL ASSISTANCE TO OBTAIN EVIDENCE  
FOR USE IN A FOREIGN PROCEEDING PURSUANT TO 28 U.S.C. § 1782**

Based upon the concurrently filed Memorandum of Law, Declarations of Anne Champion and Patrick Doris, and supporting documents, Forensic News LLC and Scott Stedman (“Petitioners”) respectfully apply to this Court for an Order, pursuant to 28 U.S.C. § 1782 and Federal Rules of Civil Procedure 26, 30, and 45, granting them leave to serve Richard Frankel with subpoenas in substantially the same form of those attached as Exhibit 1 to the Declaration of Anne Champion for the production of documents and deposition testimony for use in proceedings in the United Kingdom.

As set forth in the accompanying memorandum of law, Petitioners’ application meets the three statutory requirements of Section 1782. Petitioners, as parties to a foreign proceeding, seek discovery from an individual that “resides” or “is found” in this judicial district for the use in a foreign lawsuit. *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241 (2004). Similarly, each of the four factors that the Supreme Court established to guide this Court’s discretion in permitting discovery pursuant to Section 1782 also weigh in favor of awarding discovery. *First*, Respondent is not a party to the foreign lawsuit. *Second*, courts in the United Kingdom, where the foreign lawsuit against Petitioners is pending, are receptive to information obtained through

Section 1782. *Third*, the discovery here does not seek to circumvent any proof-gathering restrictions in the forum in which the foreign lawsuit is pending. *Fourth*, the discovery requested is not unduly burdensome, does not seek privileged information, and is limited to specific topics relevant to Petitioners' defenses in the foreign lawsuit.

Petitioners therefore respectfully request that this Court enter an Order granting their application.

Dated: March 31, 2022

Respectfully submitted,

GIBSON, DUNN & CRUTCHER LLP

/s/ Anne Champion

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